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In Re Serial No. 09/826,206

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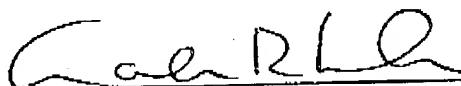
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36,360

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STATEMENT UNDER 3.73(b)

POWER OF ATTORNEY

TRANSMITTAL LETTER

COPY OF RECORDED, EXECUTED ASSIGNMENT

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 13 2004

PATENT  
Attorney Docket No. 030918

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1652

KETOGULONIGENIUM  
SHUTTLE VECTORS

In re application of  
John D'Elia

Serial No.: 09/826,206

Filing Date: April 5, 2001

TRANSMITTAL LETTER FOR 37 C.F.R. § 3.73(b)  
STATEMENT AND POWER OF ATTORNEY

October 13, 2004

Commissioner for Patents  
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Sir:

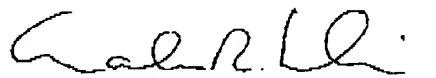
Enclosed please find a 37 C.F.R. § 3.73(b) Statement and Power of Attorney (the "Statement") for the above-identified application (the "subject application"). The Statement has been executed by an Officer of the Assignee of the

PI-1251358 v1 0233040-0175

Attorney Docket No. 030918

entire right, title and interest in the subject application as evidenced by the attached copy of the Assignment of Invention, which was recorded on July 19, 2001.

Respectfully submitted,



Mark R. Leslie, Esq.  
Registration No. 36,360

Attorney for Applicants

Kirkpatrick & Lockhart LLP  
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PTO/SB/96 (06-04)

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: John O'eliaApplication No./Patent No.: 09/826,206 Filed/Issue Date: April 5, 2001Entitled: KETOGULONIGENIUM SHUTTLE VECTORSArcher-Daniels-Midland Company, a Delaware corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

the assignee of the entire right, title, and interest; or

an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

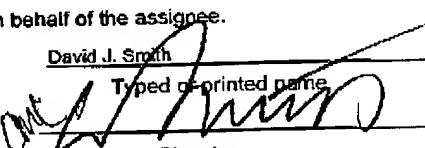
10-8-04

David J. Smith

Typed or printed name

Date  
217/424-5200

Telephone number

  
Signature  
Executive Vice President,  
Secretary and General Counsel  
Title

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THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/19/2001

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NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

D'ELIA, JOHN

DOC DATE: 07/02/2001

ASSIGNEE:

ARCHER-DANIELS-MIDLAND COMPANY  
4666 FARIES PARKWAY  
DECATUR, ILLINOIS 62526

SERIAL NUMBER: 09826206  
PATENT NUMBER:

FILING DATE: 04/05/2001  
ISSUE DATE:

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
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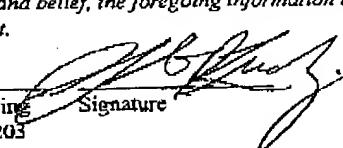
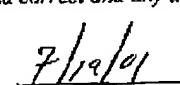
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To the Honorable Commissioner of Patents and Trademarks. Please record the attached original document or copy thereof.

1. Name of conveying party(ies):  John D'Elia		2. Name and address of receiving party(ies):  Name: Archer-Daniels-Midland Company Internal Address:  Street Address: 4666 Faries Parkway City: Decatur State: Illinois Zip Code: 62526 Country:  Additional name(s) & address(es) attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
3. Nature of Conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other		Execution Date: 07/02/01	
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the application is _____			
A. Patent Application No(s).  09/826,206		B. Patent No(s).	
Additional numbers attached?		<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.  Internal Address: c/o Steve R. Ludwig 1100 New York Avenue, N.W. Suite 600 Washington, D.C. 20005  Street Address: 1100 New York Ave., N.W. Suite 600  City: Washington State: D.C. Zip Code: 20005-3934		6. Total number of applications and patents involved: 1  7. Total fee (37 C.F.R. § 3.41).....\$ <u>40.00</u>  <input checked="" type="checkbox"/> Enclosed  <input type="checkbox"/> Authorized to be charged to Deposit Account  8. Deposit Account Number:  19-0036  (Attach duplicate copy of this page if paying by deposit account)	
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FROM: KIRKPATRICK &amp; LOCKHART 412 355 3707

## ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to the undersigned inventor: **John D'ELIA**, the undersigned inventor hereby sells and assigns to **Archer-Daniels-Midland Company** (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

*check applicable box(es)*  for the United States of America (as defined in 35 U.S.C. § 100),  
 and throughout the world.

(a) in the invention(s) known as **Ketogulonigenium Shuttle Vectors** for which application(s) for patent in the United States of America has (have) been executed by the undersigned on 7-2-2001 (also known as United States Application No. 09/826,206, filed April 5, 2001), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire,

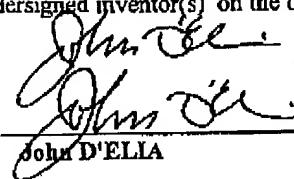
Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

7-2-2001

Date: 7-2-2001

Signature of Inventor:

  
John D'ELIA